

AUGUST 11, 2004

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, August 11, 2004, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
CHARLES W. AHREND, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator
G. CHRIS BROWN, County Attorney
STEPHEN G. KING, Deputy County Administrator
JAMES L. ALLMENDINGER, Director of Finance
JENNIFER M. HOOVER, Director of Public Works
FRANKLIN P. O'BYRNE, Director of Information Systems
ROBERT A. SYMONS, Director of Fire & Rescue
WILLIAM L. VAUGHN, Director of Community Development
DIANA C. STULTZ, Zoning Administrator
DOTTIE L. BOWEN, Deputy Clerk
DONALD F. KOMARA, Resident Engineer
Virginia Department of Transportation

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CALL TO ORDER

PLEDGE OF ALLEGIANCE AND INVOCATION.

Chairman Ahrend called the meeting to order at 3:00 p.m.

Community Development Director Vaughn led the Pledge of Allegiance, and Chairman Ahrend gave the Invocation, asking for a moment of silence in memory of Robert Sipe, a former employee in the Office of the Commissioner of the Revenue, who died recently.

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APPROVAL OF MINUTES.

On motion by Supervisor Floyd, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; after making changes on pages 11 and 23 of the draft minutes, the Board approved the Minutes of the Regular Meeting held on July 28, 2004.

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**RESOLUTION NO. 04-17 - RECOGNITION OF
TURNER ASHBY HIGH SCHOOL KNIGHTS SOFTBALL TEAM.**

On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution.

**RESOLUTION NO. 04-17
TURNER ASHBY HIGH SCHOOL KNIGHTS SOFTBALL TEAM**

WHEREAS, the Turner Ashby High School Knights Softball Team was organized in the school year of 1977-78; and

WHEREAS, the Turner Ashby High School Knights Softball Team has brought great honor and esteem to its school, community and this County, by winning the Valley District Regular Season and Tournament and Region II Championship; and

WHEREAS, the Turner Ashby High School Knights Softball Team, by virtue of these victories, qualified for the Virginia State AA Championship; and

WHEREAS, on June 4 and 5, 2004, in Radford, Virginia, the Turner Ashby High School Knights Softball Team, under the tutelage of its coach Mr. Craig Miller, with a 27-2 record, won a hard-fought game 1 to 0 against Jefferson Forest of Forest, Virginia, to become champions of the Virginia State Group AA for 2004, earning the respect and admiration of our entire community; and

WHEREAS, this team is to be admired as much for its off-the-field accomplishments as the aforementioned on-field accolades, by the high standards that they set for all student athletes of our area, both in terms of academic achievement and community involvement;

NOW, THEREFORE, WITH THIS RESOLUTION, the Rockingham County Board of Supervisors, on behalf of the citizens of Rockingham County, hereby **RECOGNIZES** the Turner Ashby High School Knights Softball Team and its coach for the exemplary skill they have displayed in their accomplishments and calls upon the citizens of this community to join the Board in congratulating this outstanding group of young citizens.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department.

He introduced Tom Hartman, an employee in the Permit Section of VDOT.

Supervisor Breeden asked that VDOT look into a more appropriate speed limit on Rockingham Pike.

Supervisor Floyd asked that VDOT investigate the possibility of limiting the tonnage for trucks using Route 689. He noted that signs have been knocked down at the Penn Laird Post Office and on Route 704 at the new subdivision.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 04-18.

RESOLUTION NO. 04-18

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Rockingham County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets described below meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the following streets, a total distance of 0.83 mile to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements:

Name of Subdivision: <u>Monte Vista Section 1</u>		
Name of Street: <u>Greenway Court (Rte 1231)</u>	Length: <u>0.06</u>	
From: <u>Monte Vista Drive (Rte 1230)</u>		
To: <u>Cul de sac</u>		
Guaranteed right-of-way width: <u>50 feet.</u>		
Plat Recorded, Date: <u>September 18, 2001</u>	Deed Book: <u>1985</u>	Page: <u>229</u>
Name of Subdivision: <u>Monte Vista Section 1</u>		
Name of Street: <u>Comfort Court (Rte 1232)</u>	Length: <u>0.11</u>	
From: <u>Greenway Court (Rte 1231)</u>		
To: <u>Cul de sac</u>		
Guaranteed right-of-way width: <u>50 feet.</u>		
Plat Recorded, Date: <u>September 18, 2001</u>	Deed Book: <u>1985</u>	Page: <u>229</u>
Name of Subdivision: <u>Monte Vista Section 2</u>		
Name of Street: <u>Rising Rock Court (Rte 1235)</u>	Length: <u>0.05</u>	
From: <u>Monte Vista Drive (Rte 1230)</u>		
To: <u>Cul de sac</u>		
Guaranteed right-of-way width: <u>50 feet.</u>		
Plat Recorded, Date: <u>March 11, 2002</u>	Deed Book: <u>2095</u>	Page: <u>208</u>

Name of Subdivision: <u>Monte Vista Section 2</u>		
Name of Street: <u>North Star Terrace (Rte 1233)</u>	Length: <u>0.13</u>	
From: <u>Monte Vista Drive (Rte 1230)</u>		
To: <u>Cul de sac</u>		
Guaranteed right-of-way width: <u>50</u> feet.		
Plat Recorded, Date: <u>March 11, 2002</u>	Deed Book: <u>2095</u>	Page: <u>208</u>
Name of Subdivision: <u>Monte Vista Section 2</u>		
Name of Street: <u>Monte Vista Drive (Rte 1230)</u>	Length: <u>0.13</u>	
From: <u>End of State Maintenance</u>		
To: <u>Rising Rock Court (Rte 1235)</u>		
Guaranteed right-of-way width: <u>50</u> feet.		
Plat Recorded, Date: <u>March 11, 2002</u>	Deed Book: <u>2095</u>	Page: <u>208</u>
Name of Subdivision: <u>Monte Vista Section 3</u>		
Name of Street: <u>Sunshine Court (Rte 1234)</u>	Length: <u>0.14</u>	
From: <u>Monte Vista Drive (Rte 1230)</u>		
To: <u>Cul de sac</u>		
Guaranteed right-of-way width: <u>50</u> feet.		
Plat Recorded, Date: <u>March 21, 2003</u>	Deed Book: <u>2241</u>	Page: <u>545</u>
Name of Subdivision: <u>Monte Vista Section 3</u>		
Name of Street: <u>Monte Vista Drive (Rte 1230)</u>	Length: <u>0.21</u>	
From: <u>Rising Rock Court (Rte 1235)</u>		
To: <u>Cul de sac</u>		
Guaranteed right-of-way width: <u>50</u> feet.		
Plat Recorded, Date: <u>March 21, 2003</u>	Deed Book: <u>2241</u>	Page: <u>545</u>

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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**FUNDING FOR ARCHITECTURAL AND ENGINEERING FEES FOR
J. FRANK HILLYARD AND WILBUR S. PENCE MIDDLE SCHOOLS**

The Board heard a presentation by Dr. John Kidd, School Division Superintendent, concerning funding for architectural and engineering fees for J. Frank Hillyard and Wilbur S. Pence Middle Schools Projects.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board agreed to make available up to \$982,000 for the architectural and engineering fees.

Supervisor Cuevas reminded the Board of the many schools constructed, expanded and renovated since 1989. Mr. Paxton noted that the Board's action would obligate the funds and staff would be preparing the necessary budget amendment to bring back to the Board for approval.

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TREASURER'S ANNUAL REPORT.

L. Todd Garber, Treasurer, presented to the Board the Tax Collection Report as of June 30, 2004, and the Lists of Uncollectible and Delinquent Taxes.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board accepted the report, recognizing the applicability of Section 58.1-3921 and 58.1-3224, so that the applicable taxes shall no longer be deemed delinquent and proper credit is given to the Treasurer.

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SHENANDOAH VALLEY PARTNERSHIP ANNUAL REPORT.

Robin Sullenberger, Executive Director, Shenandoah Valley Partnership, presented the SVP's Annual Report to the Board.

Supervisor Cuevas suggested that the Partnership take early steps to ensure that good anchor industries are made aware of the County's Technological & Industrial Park (TIP), which is currently being developed on Route 11 North. Mr. Sullenberger noted that newly emerging industries are attracted to facilities such as TIP where it is obvious that the County "has a plan in mind and infrastructure in place."

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Paxton's staff report dated August 6, 2004, including information on a recent meeting with radio system vendors and potential private partners to further negotiate the cost for a new radio system (recommendation planned for August 25 Board meeting); stormwater issue at Belmont Estates; invitation from Shenandoah Valley Electric Coop; invitation to Warren Braun events; VACo Achievement Award to be presented to County at VACo Annual Meeting on November 8, 2004; Lilly Subdivision Sanitary District; and request of Pleasant View Home, Inc., that the County consider participating in the Home's capital program.

He noted that the Board was invited to ride in the Rockingham County Fair's parade and asked that Board members let him know of their availability.

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD -

AYE; KYGER - AYE; as requested by the Commissioner of the Revenue, the Board authorized the Treasurer to refund \$42,081 to BB&T for bank franchise tax sent to the County in error.

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**RECESS FOR SPECIAL MEETING OF
LILLY SUBDIVISION SANITARY DISTRICT**

At 4:05 p.m., Chairman Ahrend declared the meeting recessed for a special meeting of the Lilly Subdivision Sanitary District.

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CALL TO ORDER.

At 4:09 p.m., Chairman Ahrend called the regular meeting back to order.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Ms. Hoover's staff report dated August 6, 2004, including information concerning progress on the sewer project for Route 11 North; Lilly Gardens; Countryside water system; Penn Laird Drive and Water Tower Road sewer; Lakewood/Massanetta Springs pump station, Spotswood High School waterline extension, Wal-Mart water and sewer project, Three Springs back-up power, Grottoes Container Site, Water/Sewer specifications, and City of Harrisonburg Waste to Energy Plant.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated August 6, 2004, including information concerning Planning Commission activities, the McGaheysville Area Study, priority projects underway, upcoming requests, and tabled requests.

On motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table RZ04-2, request of MILA, LLC, c/o David Milstead and Tim Lacey, 4131 Lumber Mill Road, Dayton, VA 22821, to rezone 105.91 acres from A2 (General Agricultural) to R3-C (General Residential with Conditions) on tax parcels 108A (2) 1.5 and 108 (A) 29, located on the north end of Shenstone Drive east of Switchboard Road (Route 910) in Election District #2. The Board tabled this request on July 28, 2004.

Supervisor Kyger moved to:

1. Continue to table this request.
2. Ask staff and the Planning Commission to review the Harrisonburg Urban Growth Area in light of the availability of public water and sewer to areas where it was not previously available.

The goal of this review should be to determine if the residential growth provided for in the Harrisonburg Urban Growth Area delineated in the Comprehensive Plan should be re-distributed to provide better managed growth in this area.

3. In order to facilitate this review, request a Liaison Committee meeting with the City of Harrisonburg to discuss extension of water and sewer service.

Supervisor Breeden seconded the motion.

Supervisor Cuevas advised that he did not object to tabling the request if the Harrisonburg Urban Growth Area was re-examined in "an objective way." He said it needed to be made clear that the Board's action would not be taken to accommodate any particular site or request. He noted that the question may or may not be "something that needs to be looked at" and that he wanted it "understood that the staff might look at this question and come back to the Board with another recommendation or with the same recommendation."

Supervisor Kyger added that the review should not take place until the Liaison Committee meeting has been held.

Mr. Brown reminded the Board that the availability of water and sewer was one of the many issues controlled by the Board. He pointed out that the availability of water and sewer would "not guarantee anything."

Mr. Paxton noted that, regardless of what is in the Comprehensive Plan, the Board has the final say on a rezoning issue as to its appropriateness at that point in time.

The motion carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE.

INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. O'Byrne's staff report dated August 5, 2004, including information concerning the ICHRIS database software, the Courthouse deed room image processing, Web Page re-redesign, Eden Gold software issues, equipment for the Court Services unit, Sheriff's Office, Tape Backup Unit, and Administration Center hub replacement, and the activities of the Data Processing Advisory Committee.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Symons' staff report dated August 4, 2004, including information concerning training, meetings attended, projects, fire training, prevention division activities, and public education.

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RECREATION AND FACILITIES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Eberly's staff report dated August 6, 2004, including information concerning the Technology & Industrial Park, the Plains District Community Center, District Courts renovation project, Convention and Visitors Bureau building renovations completed, Community Development Department renovations, Bids for HVAC Preventative maintenance, McGaheysville Elementary Baseball field and Recreation programs.

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COMMITTEE REPORTS.

The Board heard Committee reports.

On motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Automobile Committee, the Board authorized the purchase of the following vehicles from Sheehy Ford, Richmond, VA, on State Bid for Police Package Vehicles.

1 - 2004 Ford E350 Extended Prisoner Van with 12 passenger Van Cell	\$ 27,325.00
2 - 2005 Ford Crown Victorias @ \$20,988.52 each	41,977.04
2 - 2005 Ford Explorers @ \$23,735.00 each	47,470.00
Total	\$ 116,772.04

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 3 to 0 to 1, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - ABSTAIN; FLOYD - ABSENT FROM THE ROOM; KYGER - AYE; as recommended by the Buildings and Grounds Committee, the Board:

- a. Awarded the bid for HVAC & Controls System Preventative Maintenance and Repair Bids for nine locations: July 1, 2004 to June 20, 2007, to Riddleberger Brothers, Inc., the low bidder, in the amount of \$53,952 for the first year, \$40,560 the second year and \$40,560 the third year; and
- b. Approved a supplemental appropriation of \$12,500 for this year from the Reserve to:

Bergton 001-07103-000-3302-000	\$ 3,729
Human Services 001-04307-000-3302-000	\$ 3,729
Jail 001-04311-000-3302-000	\$ 428
Jail 001-03302-000-3302-000	\$ 2,719
District Courts 001-04310-000-3302-000	\$ 1,895

Supervisor Kyger suggested that the Board recommend that VACo consider former Administrator William O'Brien for receipt of next year's Jefferson Cup award.

On motion by Supervisor Cuevas, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board endorsed Supervisor Kyger for nomination as the Second Vice President of the Virginia Association of Counties.

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HARRISONBURG-ROCKINGHAM COMMUNITY SERVICES BOARD.

On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board reappointed G. Rodney Young to a three-year term on the Harrisonburg-Rockingham Community Services Board, expiring on June 30, 2007.

**RECESS FOR
MEETING OF SMITH CREEK WATER AND SEWER AUTHORITY.**

At 4:42 p.m., Chairman Ahrend recessed the meeting for a Special Meeting of the Smith Creek Water and Sewer Authority.

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RECESS FOR DINNER.

At 4:44 p.m., Chairman Ahrend called the meeting back to order and recessed for a dinner break.

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CALL TO ORDER.

At 6:45 p.m., Chairman Ahrend called the meeting back to order.

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CONVENTION & VISITORS BUREAU REPORT.

At 6:45 p.m., the Board heard a report by Ms. Allison Coonley, Executive Director, Convention & Visitors Bureau, concerning the CVB's activities.

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PUBLIC HEARING - SPECIAL USE PERMITS.

Chairman Ahrend announced the withdrawal of Special Use Permit application, S04-41, request of Robert Horton, 5208 Briery Branch Road, Dayton, for a residence involving a division of land to himself on property located on the north side of Briery Branch Road (Route 257) just east of George Wine Road (Route 871) in Ashby Magisterial District, Election District #2, zoned A-1. Tax Map #104-(A)-92B.

At 7:00 p.m., Chairman Ahrend declared the meeting open for a Public Hearing on the following special use permit applications. Ms. Stultz reviewed the details of each request.

S04-42, request of Daniel A. & Brenda M. Sutton, 15622 Neighbors Lane, Timberville, for a residence involving a division of land to a non-family member on property located on the north side of Evergreen Valley Road (Route 617) approximately 1000 feet east of Neighbors Lane (private road) in Plains Magisterial District, Election District #1, zoned A-1. Tax Map #40-(A)-100.

Daniel Sutton, applicant, was present to answer questions.

No opposition was expressed.

S04-43, request of Triple S Pallets, 2172 Fadley Road, Bridgewater, for pallet recycling on property located on the southeast side of Cottontail Trail (Route 705) approximately 1/2 mile east of Early Road (Route 988) in Ashby Magisterial District, Election District #3, zoned A-2. Tax Map #124-(A)-61C.

Joseph Layman, representing the applicant, advised that VDOT is "cutting through" the property, making it unsuitable for farming. He explained that his son wanted to have a place to recycle wooden pallets and that the operation will go on the portion of the property that is now inappropriate for agricultural use.

Kenneth Layman described the use he planned to make of the site. He noted that the pallets would be far away from the sight of the neighbor's property so that dust and noise would not affect the neighbor. He advised that he wished to build a structure where most of the pallets would be repaired. He advised that they would be taken off trucks and loaded back on as soon as they were repaired. He said the ones that could not be repaired would be ground into mulch.

Supervisor Cuevas asked if another special use permit would be required if the building was used for any other purpose. Ms. Stultz replied in the affirmative.

No opposition was expressed.

S04-44, request of Port Republic Cemetery Company, 3056 Carousel Lane, Broadway, for an addition to a cemetery on property located on the west side of Kemper Lane (Route 1606) north of Scott Lane (private road) in Stonewall Magisterial District, Election District #3, zoned A-1. Tax Map #152-(A)-27.

Deborah Rainey, President, Port Republic Cemetery Company Board, was present to answer questions.

No opposition was expressed.

S04-45, request of Evers & Sandra Rumer, 14461 Walkbridge Lane, Fulks Run for a second residence (for son) on property located on the south side of Walkbridge Lane (private road) just south of Little Dry River Road (Route 818) in Linville Magisterial District, Election District #1, zoned A-2. Tax Map #37-(A)-19B.

Mr. Rumer advised that he had obtained a certificate from Triad showing that the site is not in a flood plain.

No opposition was expressed.

S04-46, request of Jeff S. Miller, 14292 Rockingham Pike, Elkton, for demolisher's business (office only) on property located on the south side of Rockingham Pike (Route 981) approximately 300 feet south of Spotswood Trail (Route 33) in Stonewall Magisterial District, Election District #5, zoned A-2. Tax Map #130E-(2)- 17-20.

Mr. Miller advised that the State had directed him to obtain 600 square feet of office space with a desk, telephone and file cabinet.

No opposition was expressed.

S04-47, request of Charles D. & Maggie L. Gochenour, 23952 Gochenour Lane, Criders, for a private family cemetery on property located on the west side of Gochenour Lane (private road) approximately 1.2 miles west of German River Road (Route 865) in Plains Magisterial District, Election District #1, zoned A-2. Tax Map #14-(A)-14.

The applicant was present to answer questions.

No opposition was expressed.

At 7:20 p.m., Chairman Ahrend closed the public hearing and called the meeting back to order.

Supervisor Cuevas moved to approve, subject to conditions recommended by staff, S04-42, request of Daniel A. & Brenda M. Sutton, 15622 Neighbors Lane, Timberville, for a residence involving a division of land to a non-family member on property located on the north side of Evergreen Valley Road (Route 617) approximately 1000 feet east of Neighbors Lane (private road) in Plains Magisterial District, Election District #1, zoned A-1.

Supervisor Cuevas stated that, included in the motion, the Board granted staff permission to transact business of this nature through the entire day on August 23, 2004, as August 21 and 22 fall on Saturday and Sunday. He pointed out that this was a stipulation in the recently adopted Subdivision Ordinance with the intent of accommodating the transactions that were in progress at the time of its adoption.

Supervisor Kyger seconded the motion, including the following conditions, which was carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Residence shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) Entrance shall be installed in accordance with permit #04-89 issued by VDOT.
- (4) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (5) If approved, the deed and associated paper work shall be submitted to the Community Development Department for review prior to August 23, 2004 or this request shall become void.
- (6) If deed exception is made as required by the County and this permit, the residence on the property shall be exempt from the one-year completion date.
- (7) This residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

In response to a question from Supervisor Floyd, Mr. Layman said the entrance to the site of Triple S Pallets would be at the back of the property. He noted that VDOT plans to put an entrance in when the road is constructed and, meanwhile, has agreed to a temporary entrance.

On motion by Supervisor Floyd, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S04-43, request of Triple S Pallets, 2172 Fadley Road, Bridgewater, for pallet recycling on property located on the southeast side of Cottontail Trail (Route 705) approximately 1/2 mile east of Early Road (Route 988) in Ashby Magisterial District, Election District #3, zoned A-2. Tax Map #124-(A)-61C.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Building shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) A commercial entrance permit shall be obtained from VDOT and the entrance shall be installed prior to operating the pallet recycling business. A copy of the commercial entrance permit shall be submitted to the Community Development Department.
- (4) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (5) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
- (6) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- (7) This business shall not begin operation until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

On motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S04-44, request of Port Republic Cemetery Company, 3056 Carousel Lane, Broadway, for an addition to a cemetery on property located on the west side of Kemper Lane (Route 1606) north of Scott Lane (private road) in Stonewall Magisterial District, Election District #3, zoned A-1. Tax Map #152-(A)-27.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) If this portion of the cemetery is within 250 yards of any residence, authorized consent shall be obtained from the owners of the affected residences as required

in the State Code. A copy of such consent shall be submitted to the Community Development Department.

- (3) All other state laws pertaining to cemeteries shall be met.
- (4) This permit shall be exempt from the one-year date to put into use.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S04-45, request of Evers & Sandra Rumer, 14461 Walkbridge Lane, Fulks Run, for a second residence (for son) on property located on the south side of Walkbridge Lane (private road) just south of Little Dry River Road (Route 818) in Linville Magisterial District, Election District #1, zoned A-2. Tax Map #37-(A)-19B.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Residence shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) Manufactured home shall be skirted and the tongue removed, unless included in the skirting, within sixty (60) days from final inspection.
- (4) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (5) This permit is contingent upon applicant obtaining an on-site sewage disposal system permit from the Health Department. A copy of said permit shall be presented to the Community Development Department prior to deed exception approval.
- (6) Unless a survey is submitted to the Community Development Department showing that the proposed location is out of the flood plain, elevation shots shall be required.
- (7) This residence shall not be used for rental purposes.
- (8) This residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

Noting that the Miller property was an appropriate site for an office, on motion by Supervisor Breedon, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S04-46, request of Jeff S.

Miller, 14292 Rockingham Pike, Elkton, for demolisher's business (office only) on property located on the south side of Rockingham Pike (Route 981) approximately 300 feet south of Spotswood Trail (Route 33) in Stonewall Magisterial District, Election District #5, zoned A-2. Tax Map #130E-(2)- 17-20.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Any remodeling work shall require permits from the Community Development Department.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) As required by Health Department, this business shall be limited to two employees.
- (5) There shall be no junked or salvage vehicles or parts of such vehicles permitted on the property and no demolishing shall take place on this property.
- (6) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
- (7) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- (8) Off-street parking shall comply with the Rockingham County Code.
- (9) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (10) This business shall not begin operation until such time as a certificate of occupancy is issued by the County if required by the Building Official. If required, no certificate of occupancy shall be issued until all other conditions of this permit are met.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S04-47, request of Charles D. & Maggie L. Gochenour, 23952 Gochenour Lane, Criders, for a private family cemetery on property located on the west side of Gochenour Lane (private road) approximately 1.2 miles west of German River Road (Route 865) in Plains Magisterial District, Election District #1, zoned A-2. Tax Map #14-(A)-14.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) VDOT reserves the right to require future entrance upgrades should conditions warrant.

- (3) All state regulations pertaining to private cemeteries shall be met.
- (4) The area to be used as the cemetery shall be fenced within one year from date of approval of this permit.

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INFORMATION ITEMS.

The Board received the following Information Item from the County Administrator:

- a. Building Inspections report for July 2004.

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ADJOURNMENT.

By consensus, the Board adjourned the meeting at 7:27 p.m.

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Chairman